IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.3919 of 2004

Between:

M/s. Aakar Turnkey, 11-6-837,

1st Floor, Sana Apartments, Hyderabad,
rep., by its Director, Sri Gurpreet Singh **..... PETITIONER**

AND

1.The Commercial Tax Officer,

Aghapura Circle, Nampally, Hyderabad.
2.The Deputy Commissioner of Commercial Taxes,

Abids Division, Nampally Station Road,

Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of Writ of mandamus declaring the inaction of the 1st respondent in not granting the refund of Rs.8,93,290/- for the assessment year 2000 pursuant to the assessment order dated 11.2.2002 as illegal, unjustified and contrary to the provisions of law.

Counsel for the Petitioner: MR.B.SRINIVAS

Counsel for the Respondents: Spl. GP for Commercial Tax

The Court at the admission stage made the following :

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ORDER: (PER BN, J)

The writ petition has been filed seeking refund of Rs.8,93,290/-, on the basis of the orders of assessment, paid by the respondents. On the last occasion we were told that a revision petition was pending, accordingly, we directed the revisional authority to decide the revision. Counter has been filed in which it has been stated that the revisional authority has modified the earlier order and it is held that the petitioner was not entitled to refund of Rs.8,93,290/-, but he was entitled to refund of Rs.1,71,805/-.

We have been told, for refunding of this amount, orders have already been passed and learned Government Pleader submits that the amount shall be actually refunded within a period of ten days.

In view of these developments, no further orders are necessary to be passed in this writ petition, which is accordingly disposed of.

By disposing of this writ petition, we are not expressing any opinion about the quantum to which the petitioner may be entitled to, as refund. If he is aggrieved of the order passed by the revisional authority with regard to the quantum of the refund amount, he will have the liberty to get his grievances redressed from appropriate forum.

(Bilal Nazki, J)

2nd August, 2004

(S.Ananda Reddy, J)

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To

1.The Commercial Tax Officer,

Aghapura Circle, Nampally, Hyderabad.
2.The Deputy Commissioner of Commercial Taxes,

Abids Division, Nampally Station Road,

Hyderabad.

3.Two CCs to Spl.G.P. for Commercial Taxes,

High Court Buildings, High Court of A.P., Hyderabad (O.U.T)

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